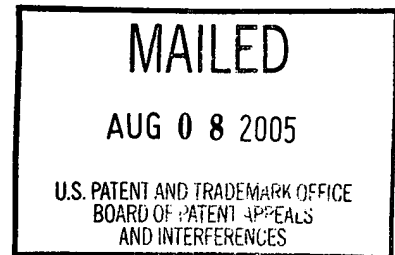UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte KENNETH A. PARULSKI,
THOMAS A. NAPOLI and DAVID M. LEWIS

_____

Appeal No. 2005-1482
Application No. 09/313,535

_____

ON BRIEF

_____

Before: SAADAT, MACDONALD and NAPPI, Administrative **Patent Judges**.

NAPPI, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of

claims 1 through 15, 26 through 31, 33 and 35 through 38. For the reasons

stated *infra* we will not sustain the examiner's rejection of these claims.

Invention

The invention relates to a method for storing images from a digital camera.

A processor in the camera assigns tag categories to the images captured by the

camera. See page 2 of appellants' specification. The images are stored on a

removable memory card within a tag file containing a group of files corresponding

to the tag category. See page 7 of appellants' specification and figure 10.

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Claim 1 is representative of the invention and reproduced below:

1. An electronic camera for capturing images representing a variety of subjects and for providing captured images to an external computer in response to a single computer initiated request, wherein the electronic camera is interconnected to the external computer via a cable interface, said camera comprising:

an image sensor for capturing the images;

a converter stage for converting the images into digital image data;

a memory for storing two or more tag names providing classification of the images;

control means for selecting one of the stored tag name for each of the images;

a processor for assigning the selected tag names to each of the images captured by the image sensor, wherein each tag name provides classification of two or more captured images;

means for generating an image file including the digital image data corresponding to the captured images and a separate tag name file for each selected tag name;

a removable memory for storing each of the image files into tag name file corresponding to the selected tag name, wherein the removable memory stores two or more tag name files with each tag name file storing two or more image files; and

means responsive to the single computer imitated request for identifying a particular tag name for transferring all of the image files stored in the corresponding tag name file to the external computer via the cable interface.

References

The references relied upon by the examiner are:

Yamada et al. (Yamada)   JP05-344460   Dec. 24, 1993

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| Sarbadhikari et al. (Sarbadhikari) | 5,477,264 | Dec. 19, 1995 (filed Mar. 29, 1994) |
| Yoshida | 5,515,101 | May 7, 1996 (filed Mar. 24, 1994) |

Rejection at Issue

There are two rejections before us[1] claims 1 through 7, 9, 10 12, 13, 15,

28 through 31, 33 and 35 through 38 stand rejected under 35 U.S.C. § 103 as

being obvious over Yamada in view of Sarbadhikari and claims 8, 11, 14, 26 and

27 stand rejected under 35 U.S.C. § 103 as being obvious over Yamada in view

of Sarbadhikari and Yoshida. Throughout the opinion we make reference to the

briefs and the answer for the respective details thereof.

Opinion

We have carefully considered the subject matter on appeal, the rejections

advanced by the examiner and the evidence of obviousness relied upon by the

examiner as support for the rejections. We have, likewise, reviewed and taken

into consideration, in reaching our decision, the appellants' arguments set forth in

the briefs along with the examiner's rationale in support of the rejection and

arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the

examiner's rejection and the arguments of appellants and the examiner, and for

the reasons stated *infra* we will not sustain the examiner's rejection of claims 1

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[1] On page 3 of the brief the examiner states that the rejection under 35 U.S.C. § 112, first paragraph has been withdrawn.

through 15, 26 through 31, 33 and 35 through 38 under 35 U.S.C. § 103.

On page 4 of the brief, appellants assert, independent claims 1, 29 and 30

require that there are two or more tag name files and that each tag name file

stores two or more image files. On page 9 of the brief, appellants argue:

> Yamada et al. contemplate storage of a single image per track, with any associated classification code being stored in the queue track portion 14a. However, it appears that there are not two or more image files associated with each classification code, as would be required in accordance with the above-noted limitations of claims 1, 29 and 30. The Yamada et al. reference also makes it clear that the images stored in portion 14b of floppy disk 14 are not combined with their corresponding classification codes into a tag name file having multiple images associated therewith.

Further, on pages 6 and 7 of the brief, appellants argue:

> The Sarbadhikari et al. reference fails to supplement the above-described deficiencies of Yamada et al. For example, the Examiner argues that Sarbadhikari et al. in column 11, lines 22-26 thereof teaches image transfer from a camera to a computer. However, even assuming for purposes of argument that this characterization is correct, the claims at issue call for a particular tag name file configuration and associated processing operations that are not disclosed in Sarbadikari et al. More particularly, as indicated above, the claims specify that each tag name provides classification of two or more captured images, that image files corresponding to the captured images are stored in tag name files . . . stores two or more image files.

On pages 1 and 2 of the reply brief, appellants argue:

> Each of independent claims 1, 29 and 30 calls for assigning selected tag names to captured images in an electronic camera. More particularly, the claims specify that each tag name provides classification of two or more captured images. In addition, image files corresponding to the captured images are stored in tag name files corresponding to the selected tag names. The claims require that there are two or more tag name files and that each tag name file stores two or more image files. In response, on page 4 of the answer, the examiner states:

The examiner respectfully disagrees because Yamada et al. do in fact discloses the use of "a tag name file" to store the "image files" therein. For example, the separate classification files (i.e. "flower", "temple" and "restaurant") as shown in Fig. 13 of Yamada et al. read on the "a separate tag name file" as claimed. As recited in the [sic] page 5, lines 10+, of the Appellant's [sic] specification, the "tag name file" is nothing more then the basic unit of storage (24b) that enable a computer of the digital camera to distinguish one set of information from another by providing classification of the images by subject matter. In this case, the "separate classification files" stored in the memory element (14) also provide the same function as "tag name file" as claimed because "large classification files" enable a computer (6) of the camera to distinguish one set of information (i.e. "flower") from another ("temple" and "restaurant") by providing classification of the image files (i.e., noted the image files corresponding to "small classification" as shown in Fig. 13).

We disagree with the examiner. Independent claim 1 includes the limitation "wherein the removable memory stores two or more tag name files with each tag name file storing two or more image files." Independent claims 29 and 30 contain similar limitations. This arrangement of tag name files storing image files is an alternate embodiment described on page 7 of the appellants' specification and not the embodiment described on page 5 of the appellants' specification as asserted by the examiner. While we concur with the examiner that Yamada teaches a tag name file and image files stored on a memory media, we do not find that Yamada teaches that the tag name file stores two or more image files as claimed.

Similarly, we not do find that Sarbadhikari teaches that a tag name file stores two or more image files. Accordingly, we will not sustain the examiner's rejection of claims 1 through 7, 9, 10 12, 13, 15, 28 through 31, 33 and 35

through 38 under 35 U.S.C. § 103 as being obvious over Yamada in view of Sarbadhikari.

Next we consider the examiner's rejection of claims 8, 11, 14, 26 and 27 under 35 U.S.C. § 103 as being obvious over Yamada in view of Sarbadhikari and Yoshida. Claims 8, 11, 14, 26 and 27 all ultimately depend upon independent claim 1. As identified *supra* we do not find that the combination of Yamada in view of Sarbadhikari teach that a tag name file stores two or more image files as claimed in claim 1. The examiner does not assert nor do we find that Yoshida teaches this limitation. Accordingly, we will not sustain the examiner's rejection of claims 8, 11, 14, 26 and 27.

In summary we will not sustain the examiner's rejection of claims 1

through 15, 26 through 31, 33 and 35 through 38 under 35 U.S.C. § 103.

REVERSED

MAHSHID D. SAADAT   )
Administrative Patent Judge   )
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)
)
ALLEN R. MACDONALD   )   BOARD OF PATENT
Administrative Patent Judge   )   APPEALS AND
)   INTERFERENCES
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)
ROBERT E. NAPPI   )
Administrative Patent Judge   )

RN/rwk

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